



SENATE BILL 415: Grand Jury if LEO Charged Performing Duties.

2019-2020 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 30, 2019
Introduced by:	Sens. Daniel, Edwards, Britt	Prepared by:	Jennifer H. Bedford
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *Senate Bill 415 would require the district attorney to notify a law enforcement officer of a right to be heard by the grand jury if charged with a crime related to the performance of an official duty.*

[As introduced, this bill was identical to H649, as introduced by Reps. D. Hall, Rogers, McGrady, Richardson, which is currently in House Judiciary.]

CURRENT LAW AND BILL ANALYSIS:

Article 31 of Chapter 15A, the grand jury and its proceedings.

The primary function of the grand jury is to determine if there is probable cause to believe that a defendant committed a crime as alleged by a district attorney in the form of an indictment. Witnesses listed on the indictment are called to testify before the grand jury. Generally, the proceedings are secret but an official record is kept. If a grand jury fails to find probable cause, the defendant may be released.

G. S. 15A-626

Within the discretion of the district attorney, a witness may be provided at the request of the grand jury. Any person may apply to the district attorney or a superior court judge to testify but **there is no guaranteed right to be heard.**

Senate Bill 415 would require the district attorney to notify a sworn law enforcement officer of a right to be heard by the grand jury if the indictment alleges a crime arising out of the officer's performance of an official duty.

EFFECTIVE DATE: This act would become effective December 1, 2019, and apply to grand jury proceeding on or after that date.

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